

In its "Reply Comments" dated August 20, 2003, Florida Power and Light Company stated, "To a large extent, the comments arguing that BPL could interfere with licensed radio services lack sufficient technical information for the Commission to conclude that the existing Part 15 limits are insufficient for BPL."

In making this comment, Florida Power and Light ignores a substantial body of technical data presented by the American Radio Relay League and other organizations. Furthermore, even more technical data might exist if utilities were more willing to cooperate in joint testing programs with licensed users. For example, The HomePlug Alliance worked cooperatively with organizations representing licensed spectrum users to develop standards that allowed innovation of the emerging technology without impact to licensed spectrum users. The electric utilities have not thus far chosen to work closely with licensed spectrum users to disclose plans and areas for testing so that background noise floor measurements can be collected BEFORE tests are conducted. Therefore, the responsibility for any perceived lack of technical data (and I am not convinced that there IS a lack of technical data) rests squarely on the shoulders of the utility companies. They could work cooperatively with licensed users to resolve these concerns. They haven't and won't unless the FCC tells them they have to.

Since it is the utility companies who want the regulatory framework modified, it is incumbent upon the utility companies to demonstrate that this technology will NOT interfere with other uses of the radio spectrum. We licensed users are happy with the protections afforded us under Part 15. We aren't the ones asking to have these protections relaxed.